

REMARKS/ARGUMENTS

Claims 1-26 and new claims 27 and 28 are pending in the application.

Reconsideration and a withdrawal of the rejections are hereby respectfully requested in view of the above amendments and the following remarks.

1. The Section 101 Rejection Has Been Addressed By the Amendments.

Claims 18-25 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

Applicant's invention, as recited in claims 18-25, has been amended to more particularly articulate the invention. Independent claims 18 and 24 have been amended to address the section 101 rejection. Dependent claims 19-23 and 25, by virtue of their dependencies, also are addressed by the amendments. In the specification, applicant refers to a user's "machine" and also refers to the "server 10" in Fig. 1 in connection with a network "a". (See specification, par [0004]) Claim 18 has been amended to more particularly recite a server configured with a program installed thereon. The server and program are configured to manipulate the received code to provide a result, also a feature now recited in claim 18. Claim 24 also has been similarly amended to more particularly recite the invention in accordance with the language recited in claim 18.

For the above reasons, and in view of the amendments made to claims 18 and 24, Applicant submits that these claims define patentable, statutory subject matter. Accordingly, reconsideration and a withdrawal of the 101 rejection is respectfully requested.

2. Applicant's Invention Is Not Anticipated by Suzuki, and the 102(e) Rejection Must Be Withdrawn.

Claims 1-5, 13, 14, 16-18 and 21-26 stand rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki. Reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's present invention is distinguishable over Suzuki and is not taught, suggested or disclosed thereby.

The rejection set forth in the Office Action, in particular on page 4, considers that Suzuki discloses "directing demonstration activation to said server for demonstration activation through said terminal server" (at par. [0014] of Suzuki) and further that this passage is relied on to allegedly disclose the Applicant's claimed step of retrieving code from said identified user. The Office Action also considers that Applicant's step of executing on said server said program to be demonstrated using said code received from said user, and providing any results of said execution is considered to be disclosed by Suzuki's statement "receiving the demonstration result of said software by said server for demonstration activation through said terminal server" (also referring to paragraph [0014] of Suzuki).

Applicant's invention is designed for demonstration, in particular, where integration with a user's existing software, or installation in connection with existing software, may be required. For example, not all software may be standalone software, and therefore, software may require other components (e.g., other software, files, etc.). In addition, for example, users may have certain configurations in connection with the integration software that the software to be demonstrated may need to work with. One

particular example is email software, which requires installation on a server and configuration to accommodate the network and the users. Internet demonstration of software may not work, or may be impossible, because the Internet or file server offering the demonstration software service is not the user's. Consequently, integration issues may be difficult, and may not be revealed during the demonstration. Applicant discusses these issues in the specification, at part [0005]. Applicant's invention provides user code so that the program may be demonstrated on the user's data as if the program were operating on the user machine.

Applicant previously stated that an important feature of the present invention is that *user code* may be used for demonstration of a program that may use the user code and run that on a server. It would appear that Suzuki still fails to disclose or suggest the Applicant's invention. What the Office Action considers Suzuki to disclose is the user terminal logging on to a terminal server and directing demonstration activation and receiving the result of the software by the server. However, this merely appears to discuss, at best, the use of a terminal to activate the operation of the terminal server, and not, as in the Applicant's present invention, using the user's data for the demonstration.

Suzuki's disclosure may be that a software demonstration is operated, and that that demonstration may be viewed by a user terminal. However, this does not amount to a disclosure of the Applicant's present invention, since, a software demonstration may be demonstrated on the server, but using data from the server (e.g., demo data), and not, specifically, the user's data. In fact, the Abstract of Suzuki states that:

a terminal server 210 controls the input/output of the demonstration of software and a user terminal 110 is provided with the window function of the terminal server.

Suzuki's disclosure indicates that not only the output, but also the input, is controlled by the terminal server. The uploading of user data is not disclosed or suggested. The user terminal 110 is disclosed to have a window function. Again, the uploading of user code, in the manner disclosed and claimed by Applicant, does not appear to be disclosed by Suzuki. Moreover, Suzuki's disclosure would appear to suggest just the opposite; that the demonstration is carried out on the server using the server data:

A user terminal 110 uses the software for a terminal server log on for the terminal server 210 of the software manufacturer on the Internet 100, and logs on by the account for which it has applied beforehand (step 1). If the account is a right thing, a log on in a terminal server 210 will be permitted (step 2). The desktop field for users is prepared for the terminal server 210, and the user who logged on here can operate a terminal server 210 through the Internet 100 by the actuation on a user terminal 110 by operating a window like drawing 2 by the function of a terminal server system. Moreover, the result of operation is immediately displayed on a user terminal through the Internet 100. If a terminal server 210 is operated and a demonstration is performed from a user terminal 110 (step 3), a terminal server 210 will connect with the server 220 for demonstration activation (step 4), and a demonstration will be performed using the data on the server 220 for demonstration activation (step 5). A terminal server 210 displays this activation result on a user terminal 110 serially (step 6). (Suzuki, par. [0026])

The Applicant's invention, as set forth in the pending claims, executes the program to be demonstrated and demonstrates that program with the user's code. In other words, the Applicant's invention demonstrates the program on the server, using the resources of the server, but provides a result which is the result of the user data, so that the program on the server may be an actual demonstration of the user data. Though Applicant notes that Suzuki discusses that it is not necessary to build an environment by

the user side (see par [0031]), that does not indicate that the actual user data may be used for the demonstration of the software.

This is in contrast to Suzuki, a fair reading of which provides that the "demonstration [is] performed using the data on the server 220 for demonstration activation." Applicant's invention, on the other hand, provides that the user data, (e.g., code of the user terminal and not the server), is what is used by the demonstration program. Claim 1 has been amended to more particularly articulate the present invention and to distinguish the invention over the cited reference. Claim 1 now recites the features of:

"providing any results of said execution based on the execution of the demonstration program manipulating the code received from said identified user."

Claim 18 also has been similarly amended.

Claim 16, an independent claim, has been amended to more particularly articulate the feature of the demonstration program comprising a plurality of programs that the user desires to evaluate on the same user code.

Claim 17, an independent claim, has been amended to more particularly define the invention by reciting that the email provided by the user is the target of the program demonstration, and that the program executes on the email code provided.

Claim 26 is not taught, suggested or disclosed by Suzuki. First, for the reasons set forth herein, Suzuki fails to teach, suggest or disclose the present invention. Second, claim 26 recites an embodiment of Applicant's claimed invention which provides for multiple viewing of the web page results. According to this embodiment of the present

invention, the invention may permit the viewing of results by more than one user, by providing the results in a web page format which, for example, may be accessed using a log on. That is the same page may be viewed by multiple users. In addition, the user's data may be uploaded and manipulated by the demonstration program, and the results may be maintained at the server for access. (See Applicant's specification, par. [0018], [0019], [0020]). Suzuki fails to disclose this feature.

Accordingly, for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claim 26 is requested. Claim 26 should be patentable over Suzuki.

The dependent claims should be patentable over Suzuki for the same reasons.

For the above reasons, Applicant's invention is not taught, suggested or disclosed by Suzuki, and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

NEW CLAIM 27:

New claim 27 has been added to more particularly articulate the present invention. Claim 27 recites a method, and specifically includes the feature that:

said server and said program to be demonstrated installed thereon are configured to execute said program to be demonstrated by manipulating said received code as part of said program execution to provide a result based on said received code that corresponds with the execution of said program to be demonstrated using said received code ...

In addition, the method of claim 27 is further particularized by reciting that the results are those demonstrated for the user's code:

providing any results of said execution, wherein said results comprise the results that would have been obtained if the program were installed for operation on the user machine from which the received code was obtained.

For these above reasons, and for these additional reasons, claim 27 is not taught, suggested or disclosed by Suzuki and should be patentable.

NEW CLAIM 28:

New claim 28 has been added to more particularly articulate additional features of the present invention to further define the invention over the cited references. Applicant's claim 28 includes the feature of having a constantly available program demonstration to be available to users over the Internet. For example, an automated embodiment may provide constant availability (see specification, par. [0027]). In addition, the user may provide user data, which, for example, may be emails. (See specification, pars. [0011], [0012], [0026]). The demonstration program may demonstrate the program with the user email data, and maintain the results. (See specification, par. [0017]). The user, may therefore, log on to the results of the server to access the results generated with the server program using the user data. (See specification [0018]). According to the embodiment recited in claim 28, this automation may be done for the user's system, and may be scheduled so that the process operates automatically, and so the user thereafter, may, for example, at a time convenient to the user, log on to view the results.

3. Applicant's Invention Is Not Obvious In View of Suzuki, and the 103(a) Rejection Must Be Withdrawn.

Claims 5, 7-12, 15, 19 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP02002342084A). Reconsideration and a withdrawal of the rejection are hereby respectfully requested.

The rejection of claims 5, 7-12, 15, 19 and 20 is based on consideration of the Suzuki reference. First, for the reasons set forth above, Applicant's invention is not taught, suggested or disclosed by Suzuki. Applicant presents additional reasons below.

With respect to claim 5 the rejection acknowledges that Suzuki fails to disclose Applicant's claimed feature that "wherein said identifying a user further comprises identifying a user through supplying a user with a unique, operational email address." The rejection considers that one would have modified Suzuki's approach to use (an) email address as part of a user account for identifying a user because a manufacturer may use email to send out a software demonstration message to a user.

Applicant's invention, as recited in claim 5, is not taught, suggested or disclosed by Suzuki. The Applicant's method, as recited in claim 5, states that "identifying a user further comprises identifying a user through *supplying a user* with a unique, operational email address." This featured embodiment supplies the user with a unique email address, unlike the rejection, which construes the invention to be using a user's email address so the manufacture may send out software demonstration to the user. However, neither Suzuki, nor the rejection, discloses, or provides the email address being supplied to the user, as claimed. Applicant further, in the specification (see par. [0015]), also discusses providing the email as a demonstrator provided domain. Therefore, the feature of

supplying a user with the email is distinguishable over the cited Suzuki reference and is not taught, suggested or disclosed.

The rejection with respect to claims 7, 8 and 19, acknowledges that Suzuki fails to disclose Applicant's claimed feature:

wherein said providing an identified user with access, via a network, to a server comprising a program to be demonstrated further comprises providing an identified user with access, via a network, to a server comprising an email scanning program to be demonstrated.

The email demonstration is not mentioned in Suzuki. Moreover, as set forth above, Suzuki does not provide for use of user email, but rather, refers to using server data (see Suzuki, par. [0027]).

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection, with respect to claims 7, 8 and 19, is respectfully requested.

With respect to claims 9 and 20, Applicant submits that it would not have been obvious, as the rejection states, to have provided email from the user as the code received if the program to be demonstrated was an email scanning program. There would not be motivation to provide for receiving email code from a user who desires to have scanning software demonstrated. First, as previously discussed, Applicant's invention relates to a server configured to receive from a user user code which permits the application of the program on the user data (or email) in the manner as if the program were operating on the user system. Therefore, Applicant's method provides for handling, at the server, the operation based on the user code, which may be manipulated in accordance with the program being demonstrated, as if the program were operating on the user's machine. Applicant has pointed out that email handled by the present invention may be part of an

email program which integrates with, or must be installed with, the program to be demonstrated, as well as other programs which may be on the user machine. Suzuki does not appear to disclose or suggest Applicant's invention, as recited in claims 19 and 20.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claims 9 and 20 is requested.

Even the further features of Applicant's claim 10 relating to regulation of a predetermined amount of email amount to be received from the user also is acknowledged in the rejection to not be disclosed by Suzuki.

As Applicant previously pointed out above, Suzuki makes no mention of using an antivirus scanning software program for demonstration on email uploaded by a user to the demonstration server. In addition to the lack of mention of the email application, as well as even uploading or using the user code in the first place, Suzuki also does not provide a teaching or suggestion of a limitation on the user data. Suzuki fails to even disclose the use of the user data in the first instance.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claim 10 is warranted.

Claim 11 stands rejected even though the rejection acknowledges that Suzuki fails to disclose Applicant's claimed temporal limit feature:

wherein said receiving code from said identified user further comprises receiving code for a predetermined amount of time from said identified user.

As Applicant previously pointed out above, Suzuki makes no mention of using a software program for demonstration on code uploaded by a user to the demonstration

server. In addition, Suzuki fails to mention the receipt of code for a predetermined amount of time.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claim 11 is warranted.

Claim 12 stands rejected, even though the rejection acknowledges that Suzuki fails to disclose an email scanning program as part of the claimed software demonstration invention:

wherein said executing said program to be demonstrated using said code further comprises executing an email scanning program to be demonstrated using email provided by said user.

As Applicant previously pointed out above, Suzuki makes no mention of using an email scanning program in the first place. Suzuki also does not disclose a software program for demonstration on code (e.g., email) uploaded by a user to the demonstration server. Suzuki fails to even disclose the use of user data in the first instance.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claim 12 is warranted.

Claim 15 stands rejected, even though the rejection acknowledges that Suzuki fails to disclose a secure shutdown mechanism provided with the server. The rejection of claim 15 is based on the premise that it would have been obvious to apply a secure shutdown mechanism for security purposes. First, for the reasons set forth above, Applicant's invention is not disclosed or suggested by Suzuki. Second, Suzuki, as the rejection acknowledges, does not provide a secure shutdown mechanism for the server, nor does it provide a reason or suggestion to provide one. The teaching of the secure shutdown

Response to final Office Action dated August 15, 2007

Response Dated: January 15, 2008

feature in claim 15 comes from the Applicant's own disclosure, and is not derived from Suzuki.

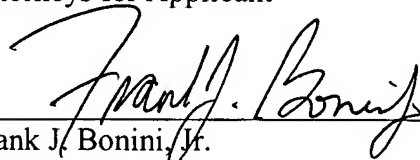
For these reasons, the rejection of claim 15 should be withdrawn.

In view of the above reasons, reconsideration and a withdrawal of the 103(a) rejection is respectfully requested.

If further matters remain in connection with any of the rejections addressed herein, the Examiner is invited to telephone the Applicant's undersigned representative to hold an interview to discuss them.

If an extension of time is required, the Commissioner is requested to consider this a request for a petition for the appropriate extension of time.

Respectfully submitted,
JOHN F. A. EARLEY III
FRANK J. BONINI, JR.
CHARLES L. RIDDLE
HARDING, EARLEY, FOLLMER & FRAILEY
Attorneys for Applicant



Frank J. Bonini, Jr.
Registration No. 35,452
P.O. Box 750
Valley Forge, PA 19482-0750
Telephone: (610) 935-2300

Date: _____

1/15/08